

REMARKS

In response to the above-noted Office Action, Applicant has amended Claims 10, 12-16, 18, 20 and 21, and cancelled Claim 11 and 17. Claims 10, 12-16 and 18-21 remain.

Claim Objections

It is asserted in the Office Action that Claim 14 is objected to under 37 CFR § 1.75(c) as being in improper form because a multiple dependent claim cannot depend on a multiple dependent claim. Applicant has amended claim 14 to overcome the 37 CFR § 175(c) objection.

Accordingly, withdrawal of the 37 CFR § 1.75(c) objection for Claim 14 is respectfully requested.

In addition, Claim 15 and 17 are objected to for apparent lack of antecedent basis. In response, Applicant has amended Claim 15 responsive to this objection. Claim 17 has been cancelled.

Additionally, Claims 12, 13, 15-17, 20 and 21 are objected to due to informalities, namely “claims” should be “claim”. In response, Applicant has amended Claims 12, 13, 15, 16, 20 and 21 responsive to this informality as noted by the Examiner. Claim 17 has been cancelled.

Drawings

It is indicated that **Figures 1, 2 and 7** should be designated by a legend such as “Prior Art”.

Enclosed herewith, for filing in the above-identified U.S. Application, are the “corrected drawings” labeled as “Replacement Sheet” regarding **Figures 1, 2 and 7** in compliance with 37 CFR 1.121(d) and in accordance with 37 CFR 1.84(c).

Approval is respectfully requested.

Claim Rejections

It is asserted in the Office Action that claims 18-21 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. Applicant has amended Claim 18 responsive to this rejection to set forth a tangible result.

Accordingly, withdrawal of the 35 USC 101 rejection for claims 18-21 is respectfully requested.

It is asserted in the Office Action that claim 17 is rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. In response, Applicant has cancelled Claim 17.

Claims 10 and 12-17 are rejected under 35 USC 103(a) as being unpatentable over Noma et al ('Surface-Sensitive X-ray Fluorescence and Diffraction Analysis with Grazing-Exit Geometry' X-RAY SPECTROMETRY, vol. 28, 1999, pages 433-439) in view of Hayashi et al. (USPN 6,970,532 B2). In response, Applicant has amended Claim 10 to incorporate the limitations of Claim 11, which the Examiner has indicated is allowable over the prior art of record. Claims 12-16 depend on Claim 10, and therefore are also allowable over the prior art. Claim 11 has been cancelled.

Allowable Subject Matter

Applicant notes with appreciation the Examiner's assertion in the Office Action that claims 18-21 would be allowable if rewritten or amended to overcome the rejections under 35 USC 112, second paragraph and 35 USC 101, set forth in this Office Action, which, as noted above, Applicant has done.

In view of the foregoing, Applicant respectfully asserts that claims 10, 12-16 and 18-21, as amended, are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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Dated: _____

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Linda Marie Metz

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